

PART I



GOVERNMENT OF KERALA

Abstract

HEALTH & FAMILY WELFARE DEPARTMENT—MEDICAL EDUCATION SERVICE—
ESTABLISHMENT—ORDER DATED 21-8-2019 OF THE HON'BLE KERALA
ADMINISTRATIVE TRIBUNAL IN OA No. 180/2018 FILED BY
SMT. USHAKUMAI, M.—COMPLIED WITH—ORDERS ISSUED.

HEALTH & FAMILY WELFARE (B) DEPARTMENT

G. O. (Rt.) No. 2462/2019/H&FWD. Dated, Thiruvananthapuram, 15th October 2019.

Read:—(1) G.O. (Ms.) No. 227/83/HD dated 19-8-1983.

(2) G.O. (Rt.) No. 31/2018/H&FWD dated 5-1-2018.

(3) Letter No. H2/6498/2018/DME dated 12-3-2018 of the Director of Medical Education.

(4) G.O. (Rt.) No. 1819/2019/H&FWD dated 24-7-2019.

(5) Order dated 21-8-2019 of the Hon'ble Kerala Administrative Tribunal in OA No. 180/2018 filed by Smt. Ushakumai, M.

(6) Letter No. H2/3680/2019/DME dated 6-9-2019 of the Director of Medical Education.

ORDER

The Hon'ble Kerala Administrative Tribunal in its order read as 5th paper above has directed the second respondent i.e. Secretary, Health & Family Welfare Department to publish the select list produced as Annexure-A5 and to promote the applicant to the post of Technical Assistant.

2. The applicant is a Refrigeration Mechanic at Government Medical College, Kottayam. The next promotion post of the applicant is Technical Assistant (Refrigeration and Air Conditioning). The applicant was fully qualified to be appointed as Technical Assistant (Refrigeration and Air Conditioning) as per the Government Order read as 1st paper above, prescribing the qualification and method of appointment to the said post. Accordingly, the Departmental Promotion Committee (Lower) in its meeting held on 31-10-2017 had prepared the select list of Refrigeration/Air Conditioning Mechanic qualified for promotion to the category of Technical Assistant (Refrigeration & Air Conditioning) in the vacancy occurred on 1-6-2017.

3. Since steps were underway for complying with the order of the Hon'ble Tribunal in OA 1996/2017 wherein the main prayer was to take necessary steps for pooling all Technical Assistant posts and not to provide promotion to the respective posts till pooling is completed, sanction was not accorded for the select list. Now, on the basis of the order of the Hon'ble Tribunal, the Director of Medical Education, as per the letter read as 6th paper above, has requested Government to approve the select list and notification prepared on the basis of the meeting of the Departmental Promotion Committee (Lower) held on 31-10-2017 and to grant permission to promote Smt. Usha Kumari, M. to the post of Technical Assistant (Refrigeration & Air Conditioning).

4. Government have examined the matter in detail. The date of occurrence of vacancy is the crucial date for assessing eligibility for promotion and the existing vacancies have to be filled in accordance with the executive order prevailing at the time of arising of vacancy. The vacancy in the post of Technical Assistant (Refrigeration and Air Conditioning) was in existence since 1-6-2017 and the Departmental Promotion Committee (Lower) in its meeting held on 31-10-2017 had selected Smt. Usha Kumari, M. for promoting to the said vacancy. Hence she was eligible for getting promotion to the post of Technical Assistant (Refrigeration and Air Conditioning). But the select list was not notified in 2017.

5. In the Government Order read as 2nd paper, there was a direction to the Director of Medical Education that further posting in the cadre of Technical Assistant shall be kept in abeyance till formulation of executive orders for bringing the post of Technical Assistant into a common pool by amending all the existing executive orders. Considering the fact that the existing vacancies have to be filled in accordance with the executive order prevailing at the time of arising of vacancy, the above direction was deleted as per the Government Order read as 4th paper above.

6. In these circumstances, Government are pleased to approve the select list for the post of Technical Assistant (Refrigeration and Air Conditioning) under Medical Education Service, prepared on the basis of the meeting of the Departmental Promotion Committee (Lower) held on 31-10-2017, and to grant permission to the Director of Medical Education to publish the select list and to promote Smt. Usha Kumari, M., to the post of Technical Assistant (Refrigeration and Air Conditioning).

7. The order dated 21-8-2019 of the Hon'ble Kerala Administrative Tribunal is complied with accordingly.

By order of the Governor,

MANU, B,
Additional Secretary.

The Advocate General, Thiruvananthapuram (with C/L).

The Director of Medical Education, Thiruvananthapuram.

Smt. Usha Kumari, M., Refrigeration Mechanic (HG), Government Medical College, Kottayam.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A&E), Kerala, Thiruvananthapuram.

The Information and Public Relations Department (Web & New Media).

Stock file/Office copy.

NOTIFICATION

No. DPC 2/27573/2017/DME.

6th November 2019.

The following is the select list of Refrigeration/Air Conditioning Mechanic fit for promotion to the category of Technical Assistant (Refrigeration/ Air Conditioning) for the year 2017 in the Department of Medical Education, prepared by the Departmental Promotion Committee (Lower), which met on 31-10-2017.

SELECT LIST FOR THE YEAR 2017

1. Smt. Ushakumari, M.

DR. A. REMLA BEEVI,
*Director of Medical Education &
Convenor of the DPC (Lower)
Medical Education Department*
